

LEON

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

RECEIVED

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

APR 11 2005

APR 12 2005

DOCKETED BY

NR

AZ Corporation Commission
Director Of Utilities

IN THE MATTER OF THE APPLICATION OF
SOUTHWEST ENTERPRISES, INC. FOR THE
CANCELLATION OF THE CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
CUSTOMER-OWNED PAY TELEPHONE
SERVICE IN THE STATE OF ARIZONA.

DOCKET NO. T-04175A-05-0043

DECISION NO. 67760

ORDER

Open Meeting
April 5 and 6, 2005
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. Southwest Enterprises, Inc. ("Applicant") has a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona pursuant to Decision No. 66117 (July 25, 2003).

2. On January 24, 2005, Applicant filed an Application for the Cancellation of Certificate of Convenience and Necessity for Customer Owned Pay Telephone Providers, which indicates that it no longer provides COPT service in the State of Arizona.

3. On February 17, 2005, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, recommending approval of the application to cancel Applicant's Certificate without a hearing.

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the

1 application.

2 3. The cancellation of Applicant's Certificate is in the public interest.

3 4. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT
4 Certificates without a hearing.

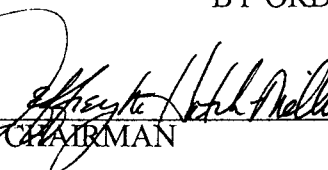
5 5. Staff's recommendation in Findings of Fact No. 3 is reasonable and should be
6 adopted.

7 **ORDER**

8 IT IS THEREFORE ORDERED that the application of Southwest Enterprises, Inc. for the
9 cancellation of the Certificate of Convenience and Necessity to provide customer-owned pay
10 telephone service shall be, and is hereby, approved.

11 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

12 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

13 
14 CHAIRMAN

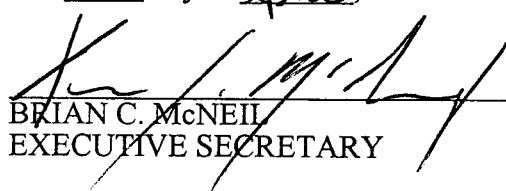
13 
14 COMMISSIONER

13 
14 COMMISSIONER

15
16 
17 COMMISSIONER

16 
17 COMMISSIONER

18
19 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
20 Secretary of the Arizona Corporation Commission, have
21 hereunto set my hand and caused the official seal of the
22 Commission to be affixed at the Capitol, in the City of Phoenix,
23 this 11th day of April, 2005.

22 
23 BRIAN C. McNEIL
24 EXECUTIVE SECRETARY

25 DISSENT _____

26 DISSENT _____

27 AP:mj
28

SERVICE LIST FOR: SOUTHWEST ENTERPRISES, INC.

DOCKET NO.: T-04175A-05-0043

Dennis M. Faust
Southwest Enterprises, Inc.
P.O. Box 91651
Tucson, Arizona 85752

Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

